



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.NO.28392 OF 2021

A.M.Sundaravel

...Petitioner

-Vs-

1. The Salt Commissioner
Lavan Bhawan
2 A- Lavan Marg
Jhalana Doongri
Jaipur 302 004
2. The Principal secretary
Hindu Religious and Charitable Endowments
Department State of Tamil Nadu
Chennai 600 009.
3. The Commissioner
Hindu Religious and Charitable Endowments
Department 119 Uthamar Gandhi Salai
Nungampakkam Chennai 600 034.
4. The District Collector
Nagapattinam.
5. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Mayiladuthurai, Nagapattinam District.
6. The Joint Commissioner
Hindu Religious and Charitable Endowments
Department Thanjavur District Thanjavur.
7. The Executive Officer
Vethapureeswarar Temple Vetharanyam
Nagapattinam District.

...Respondents



Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 2 to 7 to re-fix and enhance the lease amount in respect of the land belongs to the Vethapureeswar Temple Vetharanyam Nagapattinam District to the extent of 2426 Acres and recover the said land in the manner known to law and consequently directing the respondents 2 to 7 to furnish the details of accounts with regard to the lease amount received from the year 1961 onwards in respect of the said land in accordance with law in order to collect the arrears of lease amount as per yearly guideline value by considering the petitioner's representation dated 10.05.2020.

For the Petitioner : Mr.A.M.Sundaravel
For the Respondents : Mr.T.Chandrasekaran,
Special Government Pleader,
for H.R.& C.E. Department,
for respondents 2 to 7

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

This public interest litigation has been filed to seek a direction on respondents 2 to 7 to re-fix and enhance the lease amount in respect of the land belonging to Vethapureeswarar Temple, Vetharanyam, Nagapattinam District, to an extent of 2426 acres of land, and to recover the said land in the manner known in the law.

2. The facts on record show that the land in question was leased out by the temple in favour of the first respondent in the year 1961. Pursuant to the lease document, the first respondent is occupying the land. A direction of the nature sought cannot be given in a public interest litigation because rights of the parties are governed by the lease documents and as per the Hindu Religious and Charitable Endowment Act, 1959. Learned counsel appearing for respondents 2 to 7 has placed on record documents to show the action taken by the temple to seek eviction of the first respondent, by invoking Section 78 of the Act of 1959, from the land in question.

3. In view of the above, since the Hindu Religious and Charitable Endowments Department has already initiated action to evict the first respondent, a direction of the nature sought by the writ petitioner cannot be given.



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4. We dispose of the writ petition on the above terms. There will be no order as to costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To:

1. The Salt Commissioner
Lavan Bhawan
2 A- Lavan Marg
Jhalana Doongri
Jaipur 302 0042
2. The Principal secretary
Hindu Religious and Charitable Endowments
Department State of Tamil Nadu
Chennai 600 009.
3. The Commissioner
Hindu Religious and Charitable Endowments
Department 119 Uthamar Gandhi Salai
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Department Thanjavur District Thanjavur.
7. The Executive Officer
Vethapureeswarar Temple Vetharanyam
Nagapattinam District.

+1cc to the Government Pleader, S.R.No.1474

[29/04/2022]

W.P.No.28392 of 2021

EV(CO)
RLP(11/01/2022)